<u>REMARKS</u>

The present application was filed on July 15, 2003 with claims 1-17. Claims 1, 16 and 17 are the independent claims.

Claims 1-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,013,255 (hereinafter "Smith").

Claims 14-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of an article by St. Hontas et al. (hereinafter "St. Hontas").

In this response, Applicants respectfully traverse the §102(e) and §103(a) rejections, and amend independent claims 1, 16 and 17. Applicants respectfully request reconsideration of the present application in view of the amendments above and the remarks below.

Applicants traverse the §102(e) and §103(a) rejections of claims 1-17, as previously presented, for the reasons set forth in their previous response filed October 27, 2006, which is incorporated by reference herein.

Notwithstanding the traversal, Applicants have amended independent claims 1, 16 and 17 herein to clarify the subject matter which Applicants regard as the invention. Given the traversal, it is respectfully submitted that the amendments are made not for reasons relating to patentability over the cited art, but instead solely to expedite prosecution of the application.

Independent claim 1 as amended is directed to a method of generating data traffic in a traffic generator. The method comprises the steps of generating a first type of traffic in accordance with a given distribution, and generating a second type of traffic different than the first type of traffic. The second type of traffic comprises at least one traffic burst. The claim further specifies that a determination as to whether or not the traffic burst is generated <u>for a given time interval</u> is based at least in part on an amount of the first type of traffic generated <u>over one or more previous time intervals</u>.

In an illustrative embodiment of the invention, shown in FIG. 3, the first type of traffic is the comparative traffic shown at 310 as being generated in sample time slots. Such comparative traffic may be generated based on a Poisson distribution, a Gaussian distribution or another type of distribution. For each of the sample time slots in which the amount of comparative traffic generated in the interval is less than a comparison level 312, a designated amount 302 of compensatory burst

traffic is accumulated in a burst container 300. A given burst of the second type of traffic is generated when the total amount of accumulated burst traffic in the burst container 300 reaches a specified burst size. See the specification at page 7, lines 12-16, and page 8, lines 13-28. Thus, this particular embodiment shows one example of an arrangement in which a determination as to whether or not the traffic burst is generated for a given time interval is based at least in part on an amount of the first type of traffic that is generated over one or more previous time intervals. Of course, the claim at issue will also cover numerous other embodiments, and this particular embodiment is being presented for purposes of illustration only.

The invention as set forth in claim 1 provides a number of significant advantages relative to conventional arrangements. The specification at page 13, lines 13-20, states as follows regarding an illustrative embodiment:

> The present invention in the illustrative embodiment described above overcomes one or more of the drawbacks of the conventional techniques. For example, a traffic generator with an enhanced burst modeling feature in accordance with the invention provides improved efficiency and accuracy in modeling of "real-life" traffic behavior in a network-based communication system. A high degree of flexibility and user control in the burst generation process is provided. Also, the invention can be readily implemented in a practical hardware or software traffic generator. The invention allows a wide variety of burst-related processing applications, such as the benchmarking of communication systems against burst behavior, to be implemented in an efficient manner.

The Examiner in responding to the traversal arguments set forth in the October 27, 2006 response states that claim 1 is anticipated because Smith in conjunction with step 100 of FIG. 3 teaches that a user can assign percentages to particular traffic types. See the final Office Action at pages 2-3. However, the percentage assignments referred to in step 100 of FIG. 3 and the associated text at column 6, lines 15-44, do not involve determining whether or not to generate a traffic burst for a given time interval based on an amount of traffic of a different type that was generated over one or more previous time intervals. To the contrary, the relied-upon portions of Smith appear to

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teach that the percentage assignments are multiplied by the total number of packets passing through or routed by a switch <u>in a specified time interval</u> to yield the number of packets in each category for that time interval. See Smith at column 6, lines 40-57. Thus, the relied-upon percentage assignments appear to be used simply to apportion a total number of packets for a given time interval between the normal and lognormal traffic types. There is clearly no determination of whether or not to generate a traffic burst of one traffic type for a given time interval based on an amount of traffic of the other traffic type generated during one or more previous time intervals.
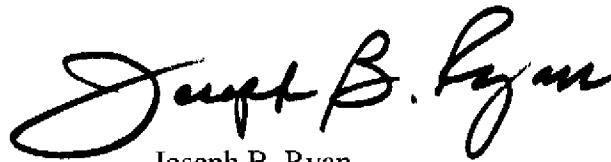
Accordingly, it is believed that claim 1 as amended is not anticipated by Smith.

Independent claims 16 and 17 are believed allowable for reasons similar to those identified above with regard to claim 1. It is believed that the St. Hontas reference fails to supplement the fundamental deficiencies of Smith as applied to claim 1.

Dependent claims 2-15 are believed allowable for at least the reasons identified above with regard to their respective independent claims. One or more of these dependent claims are also believed to define separately-patentable subject matter over the cited art.

In view of the above, Applicants believe that claims 1-17 as amended are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,

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